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Committee on Civil Liberties, Justice and Home Affairs

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DRAFT REPORT

on the proposal for a Council decision on the conclusion of the Agreement between the European community and the Republic of Montenegro on the facilitation of issuance of short-stay visas
(COM(2007)0426 – C6-0297/2007 – 2007/0149(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Adina-Ioana Vălean

Symbols for procedures

*	Consultation procedure *majority of the votes cast*
**I	Cooperation procedure (first reading) *majority of the votes cast*
**II	Cooperation procedure (second reading) *majority of the votes cast, to approve the common position* *majority of Parliament's component Members, to reject or amend the common position*
***	Assent procedure *majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty*
***I	Codecision procedure (first reading) *majority of the votes cast*
***II	Codecision procedure (second reading) *majority of the votes cast, to approve the common position* *majority of Parliament's component Members, to reject or amend the common position*
***III	Codecision procedure (third reading) *majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council decision on the conclusion of the Agreement between the European community and the Republic of Montenegro on the facilitation of issuance of short-stay visas
(COM(2007)0426 – C6-0297/2007 – 2007/0149(CNS))

(Consultation procedure)

The European Parliament,

– having regard to the proposal for a Council decision (COM(2007)0426)[1],

– having regard to Articles 62(2)(b)(i) and (ii) and 300(2), first subparagraph, first sentence, of the EC Treaty,

– having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0297/2007),

– having regard to Rules 51 and 83(7) of its Rules of Procedure,

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Foreign Affairs (A6-0000/2007),

1. Approves conclusion of the agreement;

2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States and the Republic of Montenegro.

[1] Not yet published in OJ.

EXPLANATORY STATEMENT

The European Parliament is consulted on the approval of the conclusion of two mutually conditional and parallel agreements with the Western Balkans: Readmission agreements with the Former Yugoslav Republic of Macedonia and Montenegro, and agreements with the Former Yugoslav Republic of Macedonia, Montenegro and Albania on the facilitation of issuance of short-stay visa (Albania having already concluded a readmission agreement in 2005).

The EU-Western Balkans Summit held in Thessaloniki on 21 June 2003 reaffirmed the importance for the Western Balkan countries of concluding visa facilitation and readmission agreements for coping with illegal migration issues.

The rapporteur welcomes and underlines the importance of these agreements for the Western Balkans that need to be seen as a package that benefit both sides; the EU and this region of strategic importance to the EU, which includes countries that hold an EU membership perspective (Croatia and the former Yugoslav Republic of Macedonia having been granted candidate status).

The conclusion of such agreements on visa facilitation must be seen as an important step that can encourage the Western Balkan countries to implement relevant reforms and reinforce their cooperation at regional level and with the EU in areas such as strengthening the rule of law, fighting organised crime and corruption, and increasing their administrative capacity as regards border control and the security of documents by introducing biometric identifiers.

A well-functioning immigration system requires effective readmission agreements, and no visa facilitation agreement should be concluded if no readmission agreements are in place. However the EU should also consider making use of other instruments to achieve the conclusion and implementation of a readmission agreement, e.g. political, economic, commercial or development policy related.

The rapporteur welcomes the fact that the EC takes account of JHA factors in deciding whether to open negotiations on visa facilitation with third countries, such as border management, document security, migration and asylum, fight against terrorism, organized crime and corruption. Indeed, Albania, Montenegro, the Former Yugoslav Republic of Macedonia, Serbia, Bosnia and Herzegovina each face specific challenges in these areas that need a differentiated approach.

The rapporteur remains however very critical of the very limited role of the European Parliament in the conclusion of such agreements, a regrettable fact that increases the democratic deficit between the European institutions and its citizens. These issues have direct implications for the EU citizens and the EP is unfortunately not informed at any stage of the opening of negotiations, during the negotiations, as regards the impact of readmission and visa agreements and its implications in terms of human rights and asylum rights.

The objectives and the formal framework of these Community agreements of readmission justify that the EP be informed of the impact of its implementation in the Member States. Information as regards the number of returned migrants, nationality, status, average waiting

period between the arrest, readmission request and transfer, etc., are needed to draw up an annual report that should be presented to the EP in view of a debate.

A monitoring mechanism and a suspension clause ought to be included in the visa facilitation agreements to allow the EU to suspend, at any time, the application of the agreement in case of difficulties in respect of implementation or unexpected political developments.